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ABSTRACT

The purpose of this handbook is to assist school districts in their formulation of policies and strategies related to equal opportunity in physical education, recreation and athletics. Five aspects of policy implementation: (1) all involved, particularly personnel in the public education system, must accept both the advantages and disadvantages of making a system work for the benefit of all (ownership); (2) effective changes are evoked by a feeling of wanting to make these changes (voluntarism); (3) efforts are needed to make available to girls the same opportunities available to boys in physical education (opportunity); (4) ways of funding programs must increase opportunity for girls without reducing opportunity for boys (equity); and (5) decisions must be made which allow a transition to fulfillment of the law (action). To assist in the decision making process, the series of laws and regulations related to sex discrimination in physical education, from 1972 through 1978, are summarized. A comparison is then made between what strategies fulfill the spirit of the law and which would merely fulfill the letter of the law. Finally, guidelines are given for constructing a student interest survey on athletics and intramural activities. (Author/HC)

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TRACKING EQUAL OPPORTUNITY

in physical education
recreation
athletics

A handbook for RCW 28.A.85
and WAC 392-190-025 — 050

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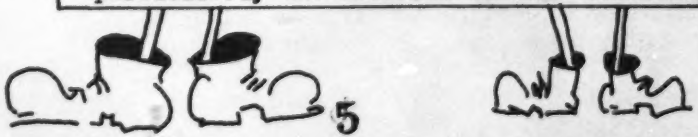
WHAT'S IT ALL ABOUT?

When House Bill 413 was passed in June of 1975 and codified as Chapter 28A.85 RCW, the law in the state of Washington was made explicit in prohibiting discrimination on the basis of sex in grades K-12 in the public schools of the state. Subsequently, Chapter 392-190 WAC established rules and regulations to implement 28A.85 RCW. (5, 4, 6)*

The purpose of this handbook is to assist school districts in their formulation of policies and strategies related to physical education, recreation and athletics. More importantly, the handbook attempts to help with the development of a point of view, for no law can be implemented fully without the assumption of ownership by those charged with the responsibility of ensuring that the common sense of the law will be accepted and discharged. By ownership, we mean that all involved accept both the advantages and the disadvantages of making a system work for the benefit of all.

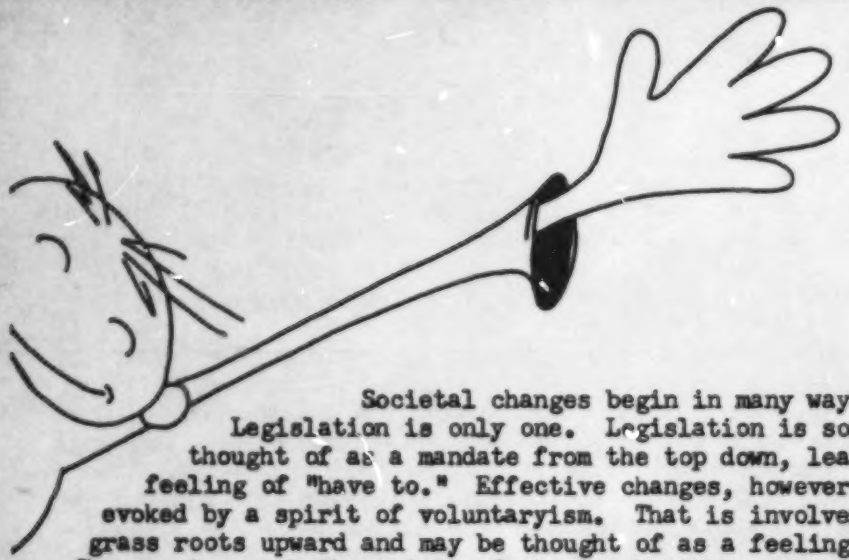
OWNERSHIP

Equality of treatment is a right; all citizens own the responsibility for ensuring that this right be guaranteed. The personnel within the public education system of the state are most particularly the stewards of this ownership.

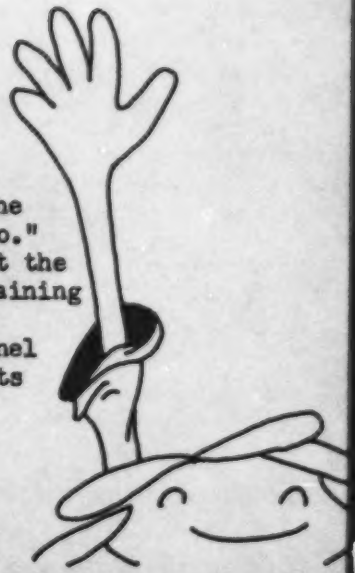


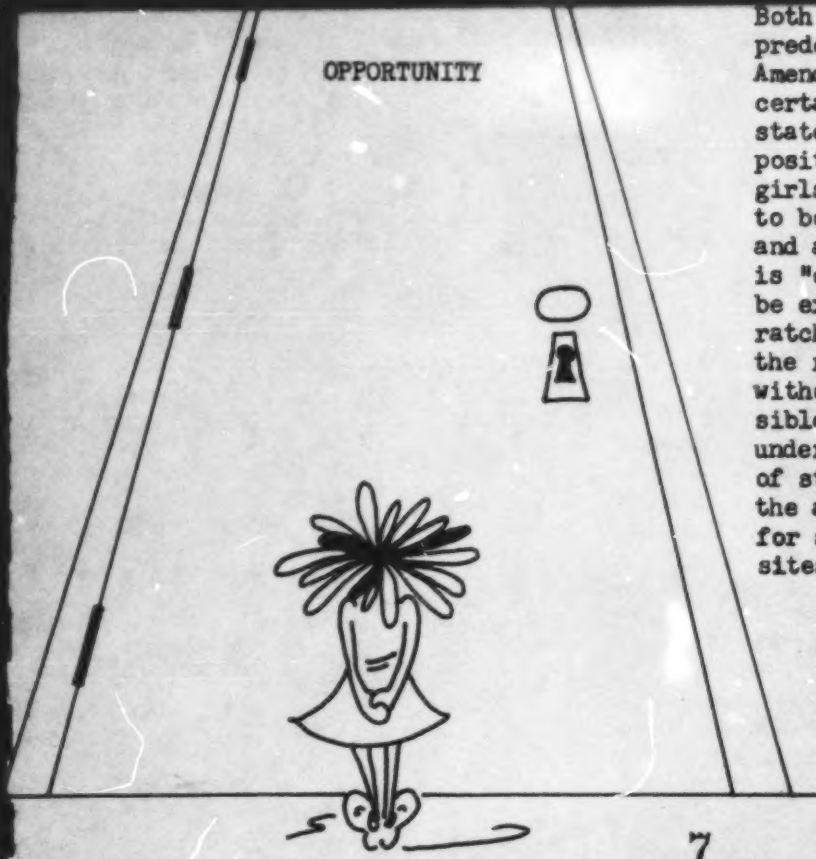
*Numbers refer to bibliography

VOLUNTARYISM



Societal changes begin in many ways. Legislation is only one. Legislation is sometimes thought of as a mandate from the top down, leading to a feeling of "have to." Effective changes, however, are often evoked by a spirit of voluntaryism. That is involvement from the grass roots upward and may be thought of as a feeling of "want to." Changes to match the spirit of the law begin by decision making at the local level. School districts can earn community support by retaining the spirit and common sense of the law rather than arriving at nonsense solutions which meet the letter of the law. Personnel from school districts which have made a positive grass roots commitment report that the most positive outcome is a change in values; wanting to offer equality of opportunity is a high order value.



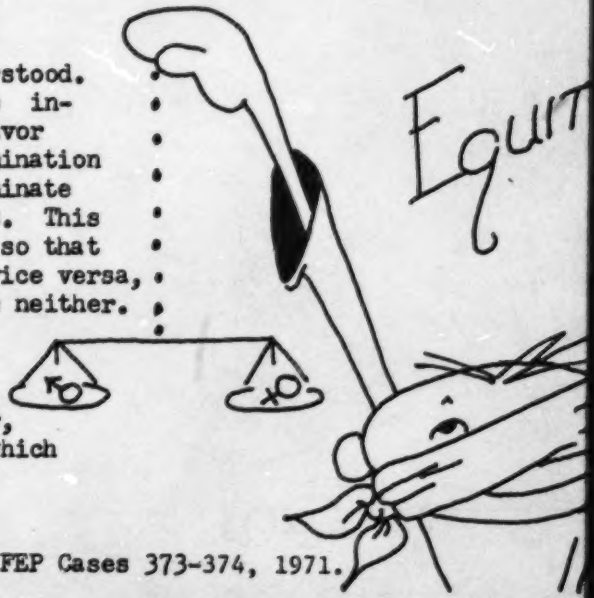


Both H.B. 413 and its national predecessor, Title IX of the Education Amendments of 1972, have prompted certain school districts within the state to improve upon their already positive efforts to make available to girls the same opportunities available to boys in physical education, recreation, and athletics (5, 10). The key word here is "opportunities." Opportunities may be expanded safely by utilizing the ratchet* analogy. The safety latch of the ratchet mechanism ensures progress without the backward roll that is possible when attempting to make adjustments under tension. Careful planning, survey of student interest, and progress within the ability of the district to provide for safety of students are prerequisites for opportunity.

*The ratchet analogy was suggested by Richard Dyksterhuis.

Because the law would seem to require greater expenditure of funds, and becaus most school districts find that funding is the critical issue in times of economic uncertainty, a common complaint has been that there is only one way to finance a broader program. That way, it is believed, is to reduce the program that now exists for boys. The question of funding is both real and valid, but at the same time it is one which must be faced and solved. Solution of the problem will require that school districts examine both expressed student interests and their own priorities to find common sense approaches. The intent of the law is not to reduce, but to increase, opportunity. A statement from one court opinion most aptly describes an alternative, and more optimis approach to the problems of achieving equity:

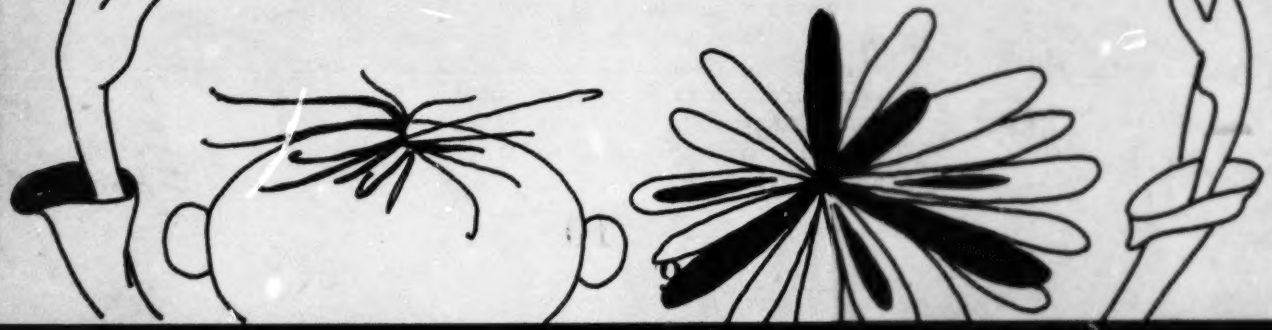
". . . certain fundamentals must be understood. A system which discriminates against some individuals necessarily discriminates in favor of others. The only way that the discrimination against some can be eliminated is to eliminate also that which is in favor to the others. This does not mean that the tables are turned so that the former underdog is now top dog, and vice versa, but only that in the future there will be neither. Necessarily, however, the one who was formerly in a favored position will no longer be so favored and thus may well suffer some loss. The loss, however, is only of that privilege or benefit to which the loser was not justly entitled."*

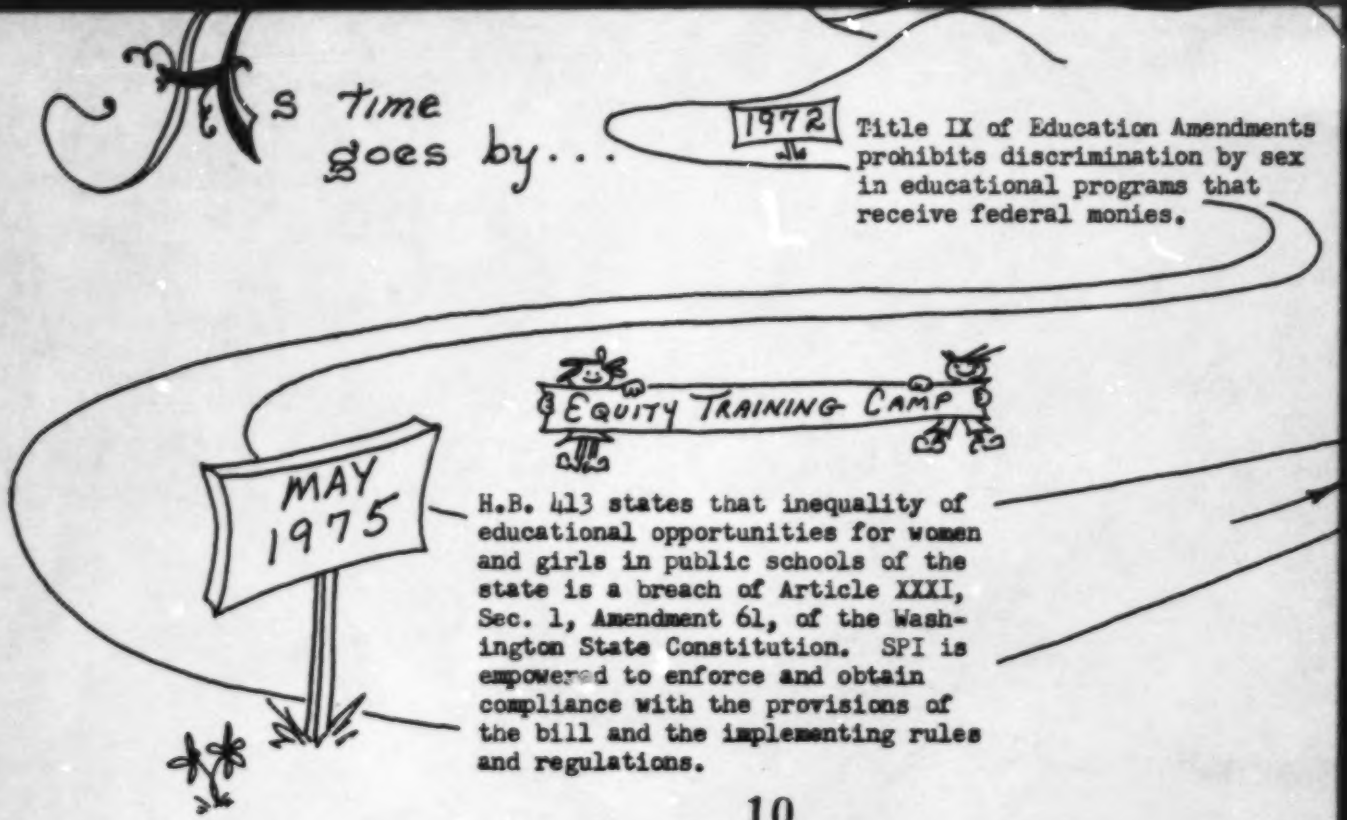


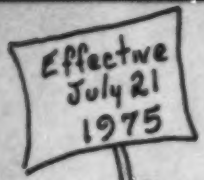
*U.S. v. Libby-Owens Ford Company, 3 FEP Cases 373-374, 1971.

ACTION

H.B. 413 and its subsequent codifications do allow for flexibility in method, but they are exact in their time requirement for compliance (5, 4, 6). Some school districts may be groping for ways to approach equity, some may be spending critical time searching for loopholes, and yet others may be in a position to share solutions that they have found through their own efforts. Neither the Superintendent of Public Instruction nor school districts which have begun to achieve a spirit of sex equity can furnish a detailed "how to" list that will meet the individual requirements of all school districts. However, the following sections may assist in decision making at the local level which will allow a transition from "WHAT'S IT ALL ABOUT?" to fulfillment of the spirit of the law.




As time goes by...
1972
Title IX of Education Amendments prohibits discrimination by sex in educational programs that receive federal monies.
EQUITY TRAINING CAMP
MAY 1975
H.B. 413 states that inequality of educational opportunities for women and girls in public schools of the state is a breach of Article XXXI, Sec. 1, Amendment 61, of the Washington State Constitution. SPI is empowered to enforce and obtain compliance with the provisions of the bill and the implementing rules and regulations.

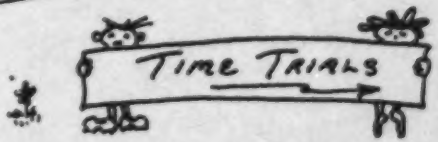


Final Title IX Regulations Implementing Education Amendments of 1972

Each institution was asked to evaluate policies and practices.

The athletics statement was refined to permit separate teams based on competitive skill or for contact sports.

Within physical education classes, separation of sexes during contact sports was permitted, and ability groupings were explicitly permitted (10).

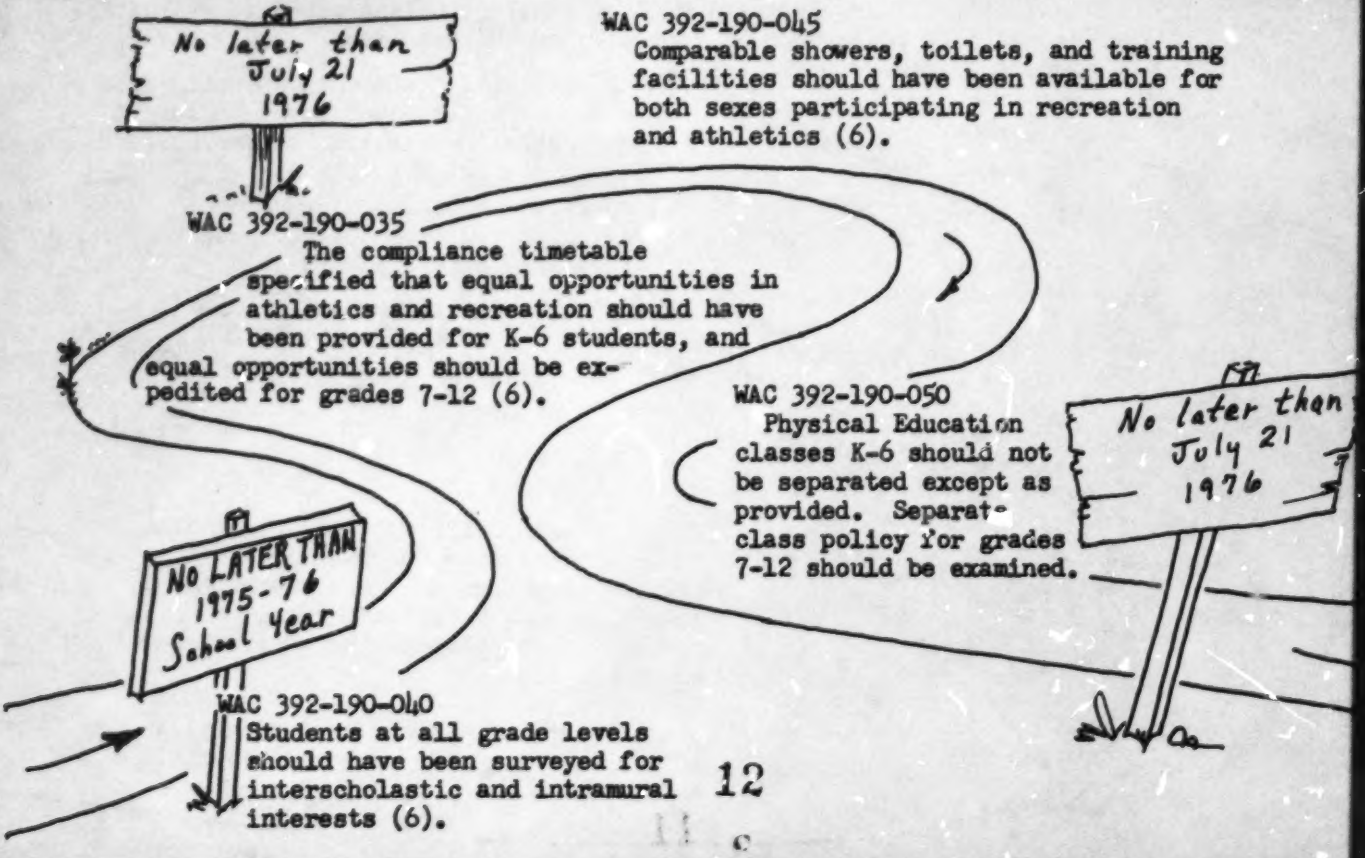


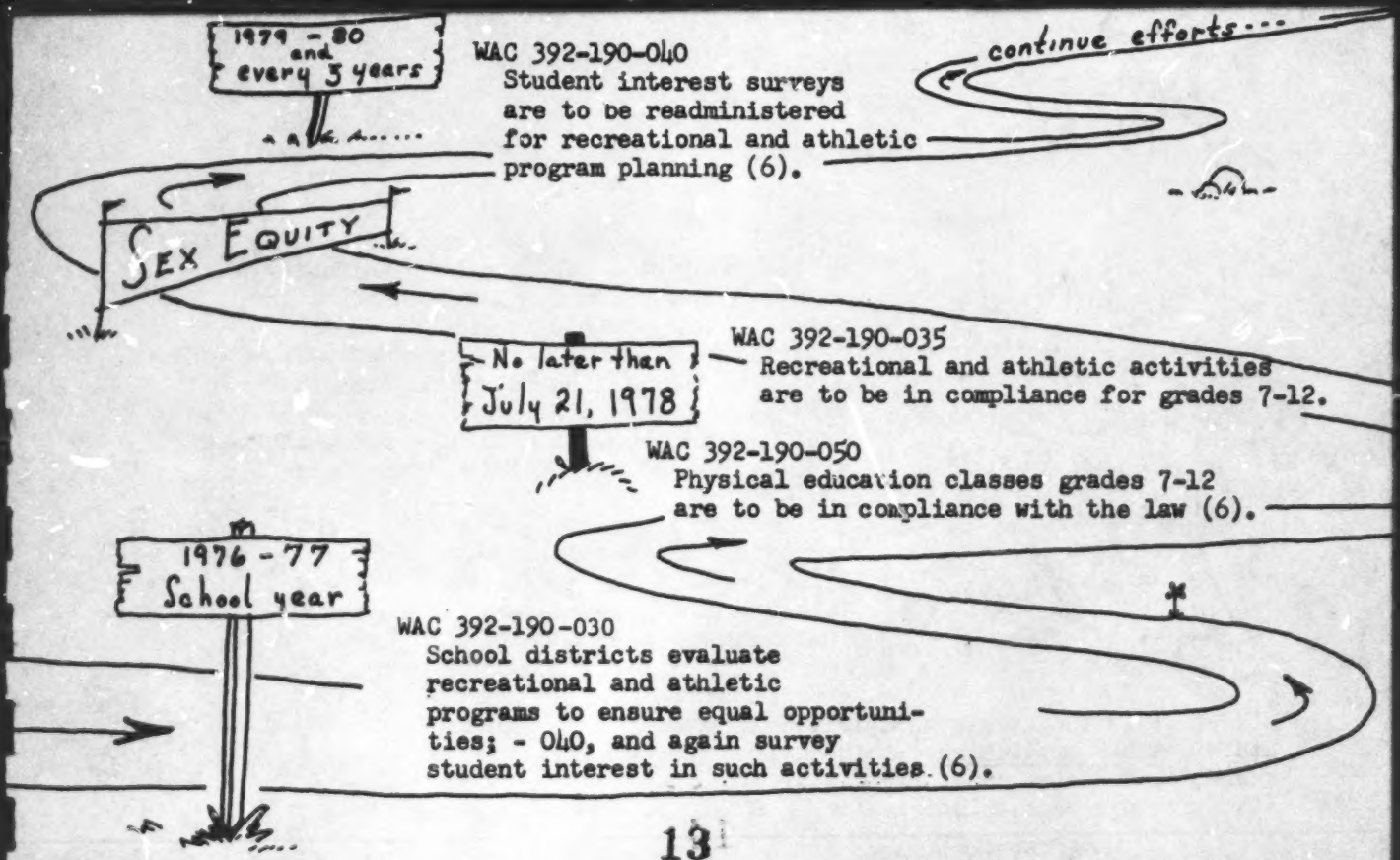
H.B. 413 was codified (4); rules and regulations were adopted for implementation of the law in all phases of public schools (6). Action dates were specified and complaint procedures established for physical education and athletics.

School districts should have completed their "training camp" pursuant to Title IX and H.B. 413.

Chapter 28A.85 RCW

WAC 392-190-025
through -050


No later than
July 21
1976
WAC 392-190-045
Comparable showers, toilets, and training facilities should have been available for both sexes participating in recreation and athletics (6).
WAC 392-190-035
The compliance timetable specified that equal opportunities in athletics and recreation should have been provided for K-6 students, and equal opportunities should be expedited for grades 7-12 (6).
WAC 392-190-050
Physical Education classes K-6 should not be separated except as provided. Separate class policy for grades 7-12 should be examined.
No later than
July 21
1976
NO LATER THAN
1975-76
School Year
WAC 392-190-040
Students at all grade levels should have been surveyed for interscholastic and intramural interests (6).


1979 - 80 and every 3 years
WAC 392-190-040
Student interest surveys are to be readministered for recreational and athletic program planning (6).
continue efforts...
SEX EQUITY
No later than July 21, 1978
WAC 392-190-035
Recreational and athletic activities are to be in compliance for grades 7-12.
WAC 392-190-050
Physical education classes grades 7-12 are to be in compliance with the law (6).
1976 - 77 School year
WAC 392-190-030
School districts evaluate recreational and athletic programs to ensure equal opportunities; - 040, and again survey student interest in such activities (6).

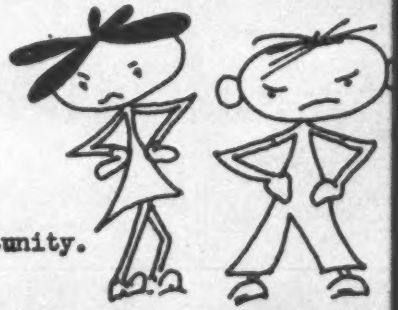
Trouble, right here in River City....

tell me what to do...

The sections of WAC 392-190 dealing specifically with equality of opportunity within school sponsored physical education, recreation, and athletic activities are apportioned 1:5. That is, only WAC 392-190-050 considers physical education classes (along with other course offerings), but WAC 392-190-025, 030, 035, 040, and 045 are all concerned with recreation and athletic activities (6).

That recreation and athletics should provide such a cutting edge for equality issues probably indicates (among other things) that:

don't tell ME what to



athletics is THE highly visible aspect of school programs
athletics MAY provide entertainment for the community
athletics has some kind of societal VALUE
athletics has been, historically, a SOURCE of unequal opportunity.

This unique combination of vested interest and legislative/ societal changes could offer problems should school personnel lose sight of the five assumptions of what it is all about . . .

Ownership, voluntaryism, opportunity, equity, and action should form the viewing glass through which each school and/or district examines its efforts.

The test is whether the changes best match the spirit of the law or the letter of the law. Again, the ratchet analogy can provide a useful model for preventing damage to existing programs.

The following chart gives some strategies which schools, or administrators, or coaches, or teachers should consider thoughtfully.

STRATEGIES EMPLOYED WHICH FULFILL THE SPIRIT OF THE LAW	STRATEGIES EMPLOYED WHICH FULFILL THE LETTER OF THE LAW
Performing a thorough self evaluation to see where inequities exist in number of opportunities to participate, number and quality of coaches, number of events, etc.	Performing a self evaluation.
Establishing committees which have the power and the responsibility for analysis and formulation of long range plans for facilities and programs, both intramural/recreational and athletic.	Establishing committees with responsibility but no power to effect change.
Administering and using student interest surveys to evaluate athletic and recreational offerings (see appendix).	Administering but not effectively using student surveys.
Encouraging boys and girls to respect each others' achievements.	Giving undue emphasis to those activities in which strength and size are the main criteria of success.
Systematically planning for growth of the recreational and athletic offerings to match student needs and interests.	Waiting until 1978 to make adjustments where obvious inequities exist.

Ensuring that women coaches and coaches of girls' sports are involved in decision making.

Establishing a true rotation of facilities use with equal access to desirable hours.

Using small amounts of money to change a portion of existing facilities (e.g., constructing a door for boys' entry to former girls' physical education office; constructing a door for girls' entrance to training facilities.

Attempting to equalize equipment for single sex and integrated teams.

Sponsoring of sex integrated athletic banquets and awards ceremonies.

Encouraging boys and girls to develop their skills through sports made available to them by the school district in order to achieve the goal of overall opportunities to participate.

Representing the interests of women and girls through decision making bodies which are traditionally male.

Scheduling use of facilities for girls' teams during vacant or undesirable hours.

Saying that the law requires no expenditure for facilities renovation, thus maintaining unequal access to certain facilities.

Assigning of last year's usable equipment to girls' teams.

Failing to involve coaches of girls' teams in planning, thereby perpetuating unequal recognition (e.g., planning a banquet for one sex and belatedly inviting the other).

Converting current boys' teams into sex integrated teams, on the assumption that such action provides a realistic opportunity for girls.

Increasing the number of opportunities for an excluded sex to participate on teams over a long-range plan (e.g., provide volleyball for girls as an equivalent to football for boys).

Encouraging current teachers to become qualified as coaches.

Encouraging development of integrated teams where there is no disadvantage to a given sex in terms of being selected to a team (e.g., coed track and field, swimming, gymnastics, or tennis teams which compete against other coed teams).

Emphasizing interest, rather than sex or level of skill, as the criterion for participation in intramural and recreational activities.

Disseminating information from state, federal, and private sectors to those who are responsible for the program.

Saying that a sport is offered and that girls may try to make the team if they can do it (e.g., say that football is offered, inferring that, if girls are good enough, they will make the team).

Stating that no changes can be made until there are replacements for current personnel.

Giving minimal consideration to, but not implementing, surveys which indicate that boys have needs and interests in participating in other than traditional sports.

Rationalizing that those who do not participate in intramurals and recreational activities just "don't have what it takes."

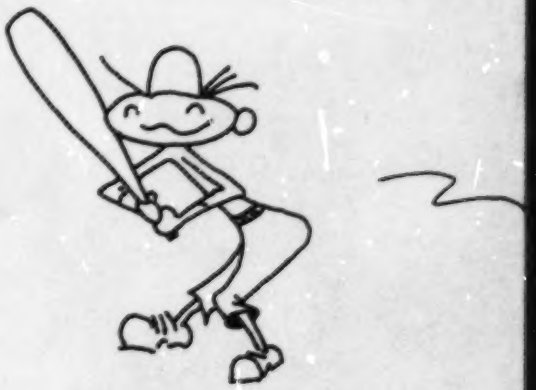
Retaining information at the administrative level.

WAC 392-190-050 states that physical education classes should not be offered separately on the basis of sex except that ability groupings are acceptable or, in grades 7-12, separation is possible if it truly is the best method for providing both sexes with equal opportunity. The law further states that programs in grades K-6 should have been in compliance with sex equity expectations no later than July 21, 1976. (6)

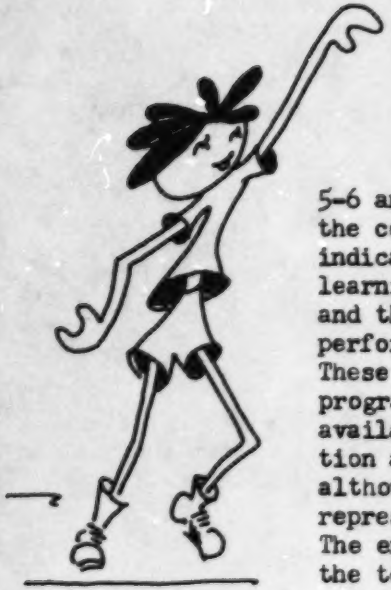
Since many elementary schools employ state and national guidelines (3, 9), few problems were anticipated for grades K-4 where, formerly, classes were not divided on the basis of sex. It is at the 5-6 grade level that schools traditionally begin to offer classes for boys or for girls. Assuming that the students have already achieved a reasonable level of skill by virtue of their experiences in a good K-4 program, there should be few problems in integrating classes at grades 5-6. The only criterion would be the common sense and law-inferred one of size-strength-skill.

physical education

Where school districts have failed to provide adequate physical education programs in grades K-4, however, compliance at grades 5-6 could be troublesome. Boys' opportunities to participate, and thus reach higher levels of performance, in games and sports may have been greater than those for girls. Thus a newly combined program COULD begin with inequities in skill which demand sensitive management of classes for best learning and skill development.



In grades 7-12, where the normal pattern has been one of sex segregation in physical education classes, compliance with the law will require adjustments in planning, scheduling, teaching, and probably in student actions and attitudes. There are many benefits to be achieved, not the least of which is the learning of new skills in an integrated setting in which they will be practiced throughout life.

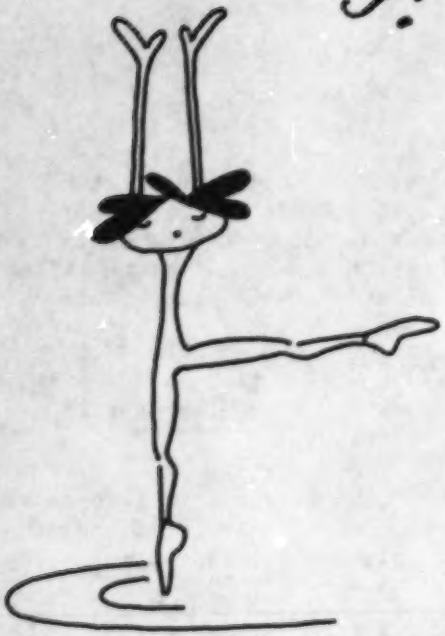


To aid in solution of potential problem areas in grades 5-6 and 7-12, school personnel should be guided by the goals for the common schools (2). Two such goals appear most relevant, indicating that the process of education should ". . . provide learning experiences matched to each student's readiness to learn and the way he or she learns best," and ". . . help all learners perform well and gain satisfaction from their performance." These two goals can serve as the standard against which the entire program is examined. A further guiding statement will soon be available from the American Alliance for Health, Physical Education and Recreation (13). The categories in the following chart, although still labeled "spirit" and "letter" of the law more truly represent a solution/non-solution approach in physical education. The emphasis is mainly on teacher strategies because it is within the teaching/learning situation that problems must be solved.

STRATEGIES WHICH ACCEPT THE FACT THAT INTEGRATED CLASSES ARE NEW EXPERIENCES REQUIRING A NEW SET OF CONCEPTS (SPIRIT OF THE LAW)	STRATEGIES WHICH ACCEPT THE FACT THAT INTEGRATED CLASSES ARE A REALITY (LETTER OF THE LAW)
Review own priorities and commitment to physical education in particular and education in general.	Assume that it is "business as usual" with only a change in clientele.
Survey own strengths and weaknesses in teaching to provide for the best program in physical education for combined classes.	Continue with current, proven teaching styles.
Renew or develop team teaching skills so that integrated classes can be organized with provision for interest and skill levels.	
Involve students in decision making as to which activities and skill level(s) are better handled in single sex classes.	Recognize the law and unilaterally combine classes except where it is possible to maintain traditional segregation.
Recognize the integrated class as a new opportunity for enhancing the cognitive and affective as well as the psychomotor domain.	

SPIRIT . . .	LETTER . . .
Develop and/or adopt tests for ability which will help divide students into skill groups for those activities in which skill is the important factor for safety or for enjoyment.	Retain proven tests which may or may not be a disadvantage to either sex. Assume that girls just can't perform as well as boys.
Accept the opportunity to widen the scope of student interest in new kinds of physical education activities.	Maintain current program which has proven to be satisfactory.
Utilize new teaching arrangements to provide for additional learning experiences for those who are not prepared to engage in sport and games at the level of the upper quarter of the class.	Recognize new arrangement as too difficult to handle from a safety standpoint and "throw out the ball" for a recreation session. Use the time to "spot" and "train" future varsity athletes.
Modify, or have students suggest modifications of, activities to allow for participation by a wide skill range.	Adhere to the rules, assuming that everyone has a need to participate by the standard rules.
Pay special attention to psychological security of students participating in a new kind of experience.	Expect that psychological needs will be met from the nature of the program and your own warm personality.

Final note:



When the Title IX Guidelines were released, then HEW Secretary Weinberger said:

"The law underlying these regulations is based on the sound premise that, in a knowledge-based society, equal opportunity in education is fundamental to equality in all other forms of human endeavor." (10)

That is not a bad guideline, either! Perhaps we can view our actions as some things we want to do, some things we have to do, or some things we have to do because we want to.

It is written . . .

Publications from the State of Washington:

1. Bulletin No. 4-76 Executive Services (with attachments), Superintendent of Public Instruction, July 2, 1976.
2. "Goals for the Washington Common Schools," State Board of Education, 1972.
3. "Physical Education Guidelines for Teachers Elementary Grades (K-6)," Superintendent of Public Instruction, no date.
4. Revised Code for Washington: RCW Chapter 28A.85, 1975.
5. Substitute House Bill No. 413, Legislature of the State of Washington, 1975.
6. Washington Administrative Code: WAC Chapter 392-190-025 through -050, 1976.

Publications from other sources →

7. "Complying with Title IX: Implementing Institutional Self Evaluation." Washington, D.C.: U.S. Department of Health, Education, and Welfare, Office of Education, June, 1976.

8. "Complying with Title IX of the Education Amendments of 1972 in Physical Education and High School Sports Programs." Washington, D.C.: American Alliance for Health, Physical Education, and Recreation, 1976.

9. "Essentials of a Quality Elementary School Physical Education Program." Washington, D.C.: American Association for Health, Physical Education, and Recreation, 1970.

10. "Final Title IX Regulations Implementing Education Amendments of 1972" (with covering memoranda). Washington, D.C.: U.S. Department of Health, Education, and Welfare, Office for Civil Rights, effective July 21, 1975.

11. "A Guide for Title IX Self-Study." Kent, Ohio: Keds General Assistance Center, Kent State University, December, 1975.

12. Memorandum to Chief State School Officers, Superintendents of Local Educational Agencies and College and University Presidents. Washington, D.C.: Department of Health, Education, and Welfare, Office for Civil Rights, September, 1975.

13. "Secondary School Physical Education." Washington, D.C.: NASPE, American Alliance for Health, Physical Education, and Recreation, (pending) 1976.

APPENDIX
Make-Your-Own Survey

Bulletin No. 4-76 Executive Services of July 2, 1976 (1), furnished copies of student interest survey forms for both athletics and intramurals which had been developed by the Auburn and Issaquah school districts. The surveys were successfully completed by these school districts, and the formats offer a useful pattern for others. The following suggestions may be helpful in developing a form that is applicable for your own use, if you have not already done so.

1. Include a part that will identify the school, grade level, and sex of the respondent.
2. Include a paragraph or more which indicates the reason for the survey and the importance of the respondent answering only in terms of his or her individual interests.
3. Try to have assigned numerical values for the responses; a numbering system of some kind will help in summation of results.
4. Include a space where respondents can enter another activity in case your listing was not exhaustive.
5. Make a separate form and explanatory statement for athletics and intramural/recreational activities; construct separate forms for elementary school and secondary school.

An example of these suggestions follows ——————→

School district _____

School _____

Sex _____

INFORMATION STATEMENT: Participation in interscholastic athletics involves daily practices and weekly games or meets during the season for each sport. To indicate YOUR OWN interest in participating at this level, please complete the following survey form. Circle the number to the right of the sport or activity which indicates YOUR OWN feelings about participating.

(Note: list vertically the names of activities currently offered. They might be arranged: by season, as they are currently offered for boys only or girls only, or simply in alphabetical order. Include a space for "other")

	Definitely NO interest in participating	Might be interested, but not sure	Definitely interested in participating
Badminton	0	1	3
Boys' basketball	0	1	3
.			
.			
.			
Wrestling	0	1	3